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July 6, 2010

Environmental Quality Council,

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Jim Ruby, Executive Secretary
Environmental Quality Council

Again, the Biodiversity Conservation Alliance (BCA) has petitioned this council to designate the upper drainage of Sand Creek as Rare and Uncommon and again the petition is filled with errors and omissions. It has become apparent that BCA is abusing this process, mocking the Environmental Quality Council and wasting everyone's time. The Environmental Quality Council has no choice but to reject this petition, as it does not meet the requirements of Chapter VII of the Wyoming Department of Environmental Quality rules.

The many errors and omissions contained in this petition are extremely disappointing for several reasons. First, BCA has had numerous opportunities to revise and submit this petition. Second, BCA is very familiar with the Rare and Uncommon process as evidenced by the successful Abode Town petition. Third, BCA is not a small environmental organization. It has a full-time staff of five with countless other volunteers and its gross receipts totaled over \$289,000 in 2007. Due to the staff size of BCA, its previous participation in Rare and Uncommon petitions, and the many second chances it has received on this petition, I can only conclude that the flaws, errors, and omissions are intended to deceive.

A list of flaws, errors, and omissions contained in this petition include:

- **No USGS topographic map.** Chapter VII, Section 6 (a) (v) of the rules states "An original USGS topographical map" shall be provided which reflects the surface land ownership pattern in the area. All maps included in the petition are NOT USGS topographical maps, but appear to be copied from Forest Service maps. In addition, land ownership is not shown on any of these maps.
- **Conflicting legal description of the designation area.** Page 4, Section 6(a)(ii) of the petition provides multiple, conflicting legal descriptions of the designation area. Which boundary is correct?
- **Conflicts between the designation area described in Section 6(a)(xi) of the petition and the maps.** Chapter VII, Section 6 (a) (xi) of the rules requires the names and addresses of the surface owners of land contiguous to the area be provided in the petition. However, for some areas the ownership is duplicated and other areas the ownership is omitted.

After numerous opportunities to submit a complete petition, BCA has failed again. There is obviously a systemic failure in this process. Chapter VII, Section 6 (c) of the rules authorizes the

Council to review the petition. In reality, it has been the burden of the opposition to review the Sand Creek petition and verify compliance with the rules. So far, three incomplete Sand Creek petitions have been filed and I believe any of them would have been accepted for consideration if the opposition had not identified the serious errors/omissions they contained. This burden should not be placed on those opposing a Rare and Uncommon petition. There is every incentive for the petitioner to avoid identifying contiguous landowners that may not support the petition. Once accepted, the petition becomes the basis of whom to notify for the hearing. This is unacceptable. An independent third party needs to review the petition and collect the necessary landowner information.

One final note, review of the Abode Town petition, also submitted by BCA, has identified similar errors. For the integrity of the Environmental Quality Council's rulings and fairness for the citizens of Wyoming, I request no further Rare and Uncommon petitions be accepted until a complete review of the procedures is conducted.

Due to the specific errors and omission in this petition and the procedural concerns stated above the Environmental Quality Council should dismiss this petition with prejudice.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Haiar", written in a cursive style.

Keith Haiar

Attachment

Attachment

Partial List of Legal Description Errors

Page 4, under T51N R61W, Section 25 is described twice. The first line states all of section 25. The seventh line lists portions of section 25.

Page 29, Landownership listed for sections in T6N R1E. These sections are not contiguous to those listed in the official legal description on page 4.

Pages 27-29, Landownership for the petition area in T52N R60W is not provided. Landownership for areas contiguous to the petition area T52N R60W is not provided.

Page 29, Landownership for T52N R61W Sections 19,29,30,32 is not correct.